



P.O. Box 1240  
Allen, TX 75013-1240  
www.experian.com

December 12, 2022

Joey Kimbrough  
1712 Candy Court South  
Kokomo, IN 46902

**RE: Subpoena for the credit records of Joey Douglas Kimbrough  
Case No. 1:22-cv-01217-SEB-KMB  
Experian's Ref. # 175178818**

Dear Mr. Kimbrough:

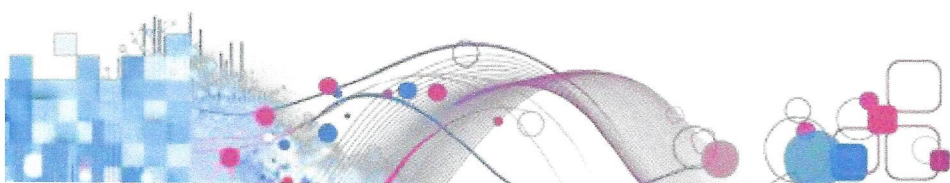
Experian is unable to comply with the request as issued. The Fair Credit Reporting Act states: A consumer reporting agency may furnish a consumer report under the following circumstances and no other: **(1) In response to the order of a court having jurisdiction to issue such an order, or a subpoena issued in connection with proceedings before a Federal Grand Jury.**

15 U.S.C. §1681b (1). This matter was also addressed in *In Re TRW Credit Data*, 98 Misc. 2d 940, 415 N.Y.S.2d 196 (1979), which held that a subpoena is not a court order unless it is signed by a judge. Further, the Federal Trade Commission's Commentary has held that a subpoena, including a grand jury subpoena, is not an 'order of a court' unless signed by a judge. 55 Fed. Reg. 18806 (May 4, 1990).

As I am sure you can appreciate, Congress realized that consumer privacy would be compromised if any attorney or individual could issue a subpoena (or arrange to have the clerk of court issue a subpoena) for the production of a document containing confidential financial information about his or her client's opponent, the other side's witnesses, or other persons whose relevance to the pending litigation is known only to the person requesting the information. Congress therefore mandated that a credit report cannot be furnished unless a court has balanced the consumer's right to privacy with the need for the disclosure of the information in the particular case.

We want to cooperate with you, but if we furnish the requested credit report(s) without an order signed by the court, we can be sued for violating the Fair Credit Reporting Act.

Accordingly, Experian cannot comply with the subpoena for credit records unless a court order is issued. Further, unless I hear to the contrary from you, I will assume that Experian's appearance will not be required as we are unable to produce the requested documents without a court order. **We will respond immediately to a subpoena signed by a judge or magistrate.**



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Upon review of your request, we noticed that you are requesting your own records in this case. If in fact you are requesting your own records and choose not to obtain a subpoena signed by a judge or magistrate, we will accept a notarized authorization signed by you authorizing Experian to release records to you.

**Please provide a valid subpoena or notarized authorization and we will promptly process your request.**

**Please be advised that Experian charges \$30.00 per hour research fee and .20 cents per page for documents produced. A "Cost for Reimbursement Form" will be included with the records returned to you.**

Please do not hesitate to call me if you have further questions regarding this matter.

Sincerely,

*/s/ Rick V. Haas*

Rick V. Haas  
Custodian of Records  
Experian Consumer Affairs  
701 Experian Parkway  
Allen, TX 75013  
469-675-5037